

# UNITED STATES DISTRICT COURT

for the

Northern District of California

MAR 24 2010

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

United States of America  
v.  
JONATHAN DOUGLAS HILL

Case No. **3 10 70224****EMC**

Defendant(s)

**CRIMINAL COMPLAINT****E-filing**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 17 and 20, 2010 in the county of Marin in the  
Northern District of California, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. Section 2251(a)	Production of Child Pornography Penalties: Minimum 15 to maximum 30 years imprisonment \$250,000 fine Minimum five years to lifetime supervised release
18 U.S.C. Section 2252(a)(4)(B)	Possession of Child Pornography Penalties: Maximum 10 years imprisonment \$250,000 fine Minimum five years to lifetime supervised release \$200 Special Assessment (both counts)

This criminal complaint is based on these facts:

See Attached Affidavit of FBI Special Agent Denise E. Biehn

Approved as to Form:

AUSA Owen P. Martikan

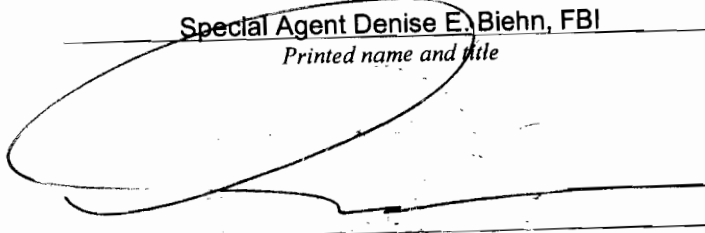
☒ Continued on the attached sheet.

  
Complainant's signature

Special Agent Denise E. Biehn, FBI  
Printed name and title

Sworn to before me and signed in my presence.

Date: 3/24/10City and state: San Francisco, California

  
Judge's signature

Hon. Edward M. Chen, U.S. Magistrate Judge  
Printed name and title

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In re: JONATHAN DOUGLAS HILL

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, Denise E. Biehn, do swear and affirm as follows:

**I. INTRODUCTION**

1. I have been employed as a Special Agent of the Federal Bureau of Investigation (FBI) since June of 2003. I am presently assigned to the San Francisco Office of the FBI, Santa Rosa Resident Agency, and investigate cases involving violent crimes, drug trafficking, bank robberies, fugitives, white collar crime, and crimes against children. I have received training at the FBI Academy in Quantico, Virginia, including training on criminal organizations, criminal case management, informant development, and Title III investigations. I have participated in numerous local and federal search warrants and arrests involving a variety of violations including white collar crime, narcotics offenses, money laundering offenses, and possession of child pornography. I have attended the following training focused on crimes against children: FBI's Crimes Against Children training, Protecting Victims of Child Prostitution offered by the National Center for Missing and Exploited Children, and the Dallas Crimes Against Children Conference. I have specific training in Evidence Recovery and have seized computers and other items containing child pornography.

2. In my current capacity, I am responsible for investigating violations of federal criminal statutes, including among other things cases involving the sexual

exploitation of children and material constituting child pornography. I have received training in techniques for investigating violations of Title 18, United States Code, including specifically 18 U.S.C. 2251(a), which prohibits the production of child pornography, and 18 U.S.C. 2252(a)(4)(B), which prohibits the possession of child pornography. In the course of the investigation described herein, I have consulted with deputies of the Marin County Sheriff's Office, who have participated in the investigation of this case, including the application for and execution of search and arrest warrants.

## **II. PURPOSE FOR THE AFFIDAVIT**

3. This affidavit is made in support of an arrest warrant against Jonathan Douglas HILL. The statements contained in this affidavit are based on my experience and training as a Special Agent and the information provided to me by Marin County Sheriff's Deputies. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that HILL violated Title 18, United States Code, Sections 2251(a) and 2252(a)(4)(B).

## **III. APPLICABLE LAW**

4. Under Title 18, United States Code, Section 2251(a), it is a crime for any person to knowingly employ, use, persuade, induce, entice, or coerce any minor to engage in, or to assist any other person to engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, if such person knows or has reason to know that the visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce.

5. Under Title 18, United States Code, Section 2252(a)(4)(B), it is a crime for any person to knowingly possess any matter containing any visual depiction that has been mailed, or has been shipped or transported using any facility or interstate or foreign commerce or in or affecting interstate or foreign commerce, or that was produced using materials that have been mailed or so shipped or transported by any means, including by computer, if the producing of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and such depiction is of such conduct.

6. Sexually explicit conduct includes, among other things, masturbation, the lascivious exhibition of the genitals or pubic area of any person, and graphic sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex.

#### **IV. FACTS ESTABLISHING PROBABLE CAUSE**

7. HILL became known to deputies of the Marin County Sheriff's Office on Saturday evening, March 20, 2010, when a ten-year-old girl reported to her parents that as she was riding her bicycle in the Marinwood area, a man sitting in a white SUV called her over to his car through an open window and said "Have you ever seen a penis?" The man exposed his penis to the girl as he sat in the SUV. The girl yelled "My parents are here!" and rode away from the man toward her parents. Her parents called the Marin County Sheriff's Office and reported the incident.

8. While en route to respond to this call, a Marin County Sheriff's Deputy saw a white SUV driving without a front plate, and that appeared consistent with the description provided by the girl's parents, and pulled over the SUV. The girl positively identified the man in the white SUV that had been pulled over as the man who had

exposed himself to her. This man was identified by Marin County Sheriff's Deputies as HILL.

9. HILL was arrested and incident to his arrest, a Marin County deputy sheriff searched HILL and recovered an Apple iPhone, which he searched. During this search, the deputy found images and video of HILL exposing his penis to a pre-pubescent girl, and of the pre-pubescent girl exposing her breast area and pulling down her pants. At the Sheriff's Department, HILL gave a Mirandized statement admitting that he had taken the images and videos of a girl he knew as P\_\_\_\_, and that he believed she was 12 years old at the time. Sheriff's deputies have since located this girl and have learned that she is nine years old. HILL stated that it was "a matter of acting upon [his] fantasy." A search warrant for HILL's iPhone revealed that these images and videos were taken on March 17, 2010.

10. Based on information printed on the back of the iPhone, I know that the iPhone used by HILL to take these images was made in China.

11. Sheriff's deputies obtained a search warrant for HILL's home, which was executed at 1:00 am the following morning. At HILL's home, deputies found computers, pornographic magazines titled "Barely Legal," young girls' underwear, numerous CD-ROMs, many of them in a black backpack and some of them in cases marked "Illegal disk – Do Not Open – Contents Illegal," and business cards with pictures of naked pre-pubescent girls, and some with the printed phrase "Models Wanted." A blue backpack in HILL's bedroom contained bandages, duct tape, large zip ties, towels, latex gloves, condoms, lubricant, disinfectant wipes, a lint roller, costume jewelry, cigarettes, a package containing tattoo sleeves for arms, plastic tarps, a package of plastic painter



coveralls, and a package containing plastic shoe guards. Based on my training, knowledge, and experience, as well as the training and experience of other investigators with whom I have spoken, these items appear to be a kit of supplies for use in abduction and rape. This backpack was located in HILL's bedroom closet next to a shotgun and ammunition.

12. A Marin County Sheriff's Deputy reviewed the CD-ROMs and found well over 100 CDs. I have reviewed several of these CDs and thus far, each CD I have reviewed contains visual depictions of minors engaged in sexually explicit conduct, such as the following:

- a. an image depicting an apparently prepubescent girl lying on her back with her legs bound to a stake that forces her legs apart and into the air, while a dog mounts her and places its penis into her vagina. The girl's mouth is taped shut.
- b. a video of an adult male penis ejaculating into the vagina of a toddler-age girl.

13. I saw child pornography images during my review of the CDs that I have recognized from previous investigations, and know to depict known minor victims of sexual abuse who reside outside California.

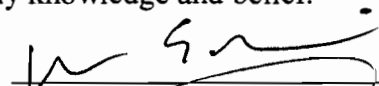
14. In his Mirandized statement, HILL admitted that he had downloaded the child pornography images and videos on the CD-ROMs using internet file-sharing software, that he knew there was child pornography on his computer, and that he began looking at child pornography after the daughter of an ex-girlfriend was molested.

V. **CONCLUSION**

15. Based on the aforementioned facts and information, there is probable cause to believe that on March 17, 2010, in the Northern District of California, Jonathan Douglas HILL did knowingly employ, use, persuade, induce, entice, or coerce a minor to engage in and to assist him in engaging in sexually explicit conduct for the purpose of producing visual depictions of such conduct that were produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 2251(a).

16. Based on the aforementioned facts and information, there is probable cause to believe that on March 20, 2010, in the Northern District of California, Jonathan Douglas HILL did knowingly possess matters containing visual depictions that had been shipped and transported using any facility of interstate and foreign commerce and in or affecting interstate or foreign commerce, and that was produced using materials that have been mailed or so shipped or transported by any means, including by computer, that involved the use of a minor engaging in sexually explicit conduct, and that were depictions of such conduct, in violation of Title 18, United States Code, Section 2252(a)(4)(B).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Denise E. Biehn, Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me on:

Date

3/24/10

  
\_\_\_\_\_  
HON. EDWARD M. CHEN  
U.S. MAGISTRATE JUDGE